



2100 Ross Avenue
Suite 3200
Dallas, TX 75201

972 629 7100 main
972 629 7171 fax
thompsoncoburn.com

Jenny Ecklund
972.629.7112
jecklund@thompsoncoburn.com

February 13, 2023

Clerk, Western District of Texas
U.S. District Clerk's Office
501 West Fifth Street, Suite 1100
Austin, Texas 78701

Re: No. 1:22-cv-00859-RP; *Fund Texas Choice, et al. v. Paxton, et al.* – Plaintiffs'
Notice of Supplemental Authorities

Dear Clerk:

We file this Notice of Supplemental Authority to make Judge Pitman aware of two recent filings that may be relevant to this case.

The recent filings are Petitions to Take Deposition to Investigate a Lawsuit in (1) *In re Charles Byrn*, No. 51499-A, filed in the 42nd District Court of Taylor County, Texas (attached Exhibit A), and (2) *In re Rachael Diane Jackson-Hisler*, No. 22DCV0823, filed in Chambers County, Texas (attached Exhibit B). These are requests, pursuant to Texas Rule of Civil Procedure 202, to take discovery to investigate possible lawsuits by private citizens under section 171.208 of the Texas Health & Safety Code (a/k/a "SB8"). The person sought to be deposed in *Byrn* operates a medical clinic in New Mexico. The person sought to be deposed in *Jackson-Hisler* is a resident of New York who operates a company that performs abortions at an offshore location outside the State of Texas. Both speak directly to attempts to apply the Texas abortion legislation to the provision of services outside of Texas, which is a matter addressed in the briefing in this case.

We request that you bring these filings to Judge Pitman's attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer R. Ecklund".

Jennifer R. Ecklund
Texas Bar No. 24045626
jecklund@thompsoncoburn.com

Elizabeth G. Myers
Texas Bar No. 24047767
emyers@thompsoncoburn.com

Allyn Jaqua Lowell
Texas Bar No. 24064143
alowell@thompsoncoburn.com

John Atkins
Texas Bar No. 24097326
jatkins@thompsoncoburn.com

Elizabeth Rocha
Texas Bar No. 24127242
erocha@thompsoncoburn.com

THOMPSON COBURN LLP
2100 Ross Avenue, Suite 3200
Dallas, Texas 75201
Telephone: 972/629-7100
Facsimile: 972/629-7171


Alexandra Wilson Albright
Texas Bar No. 21723500
aalbright@adjtlaw.com

Marcy Hogan Greer
Texas Bar No. 08417560
mgreer@adjtlaw.com

Kevin Dubose
Texas Bar No. 06150500
kdubose@adjtlaw.com
1844 Harvard Street
Houston, TX 77008
Telephone: 713/523-2358
Facsimile: 713/522-4553

Kirsten M. Castañeda
Texas Bar No. 00792401
kcastaneda@adjtlaw.com
8144 Walnut Hill Lane, Suite 1000
Dallas, TX 75231-4388
Telephone: 214/369-2358
Facsimile: 214/369-2359

ALEXANDER DUBOSE & JEFFERSON LLP
515 Congress Avenue, Suite 2350
Austin, Texas 78701-3562
Telephone: (512) 482-9300
Facsimile: (512) 482-9303

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I certify that this document was filed electronically on February 13, 2023, with the clerk of the Court for the U.S. District Court, Western District of Texas, using the electronic case filing system of the court.

/s/ Jennifer R. Ecklund

Jennifer R. Ecklund